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MISCELLANEOUS DOCUMENTS

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 9 1 1 - 0 0 9 0 1 - 5 1 0 0 - 0 5 7 | Date: 9/16/11 | Time: 1915 hours

Location: 441 Bauchet Street | City or Station: Los Angeles

Bureau/Station/Facility: Custody Operations Division / Men's Central Jail | Admin. Investigation: YES ☐ NO ☒

Type of Force: Significant (Fractured Right Elbow) - Team Take Down, O.C. Spray, Impact Weapon (Flashlight), Personal Weapons (Fists), and Hobble.

Deputy Injury : YES ☒ NO ☐ | Suspect Injury YES ☒ NO ☐

☐ Call ☒ Observation ☐ Detail | ☐ Foot Pursuit ☐ Vehicle Pursuit

IAB Notified: YES ☒ NO ☐ Person Notified: Lt. Stefanie Fredericks Emp: [redacted] IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	Beas	Victor	NMN

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	MCJ	Visiting Rear

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5' 06"	140

☒ Injured ☐ Treated ☐ Admitted Hospital: U.S. Health Works | Coroner Case #: | Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	Magana	Ernest	A.

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	MCJ	Visiting Rear

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5' 10"	200

☒ Injured ☐ Treated ☐ Admitted Hospital: U.S. Health Works | Coroner Case #: | Directed Force ☐ Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	MCJ	Visiting Rear

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5' 08"	185

☐ Injured ☒ Treated ☐ Admitted Hospital: U.S. Health Works | Coroner Case #: | Directed Force ☐ Significant Force ☒

☐ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Ray	Jon	C	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Martinez	Daniel	R.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Limon	Robin	A.

Lieutenant Robin Limon
Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Sergeant Dinah L. Grote
Supervisor Completing Form: **(Print Name)** | [redacted] Emp #: | Copy Provided to Employee by: | Emp #:

Captain Ralph Ornelas
Unit Commander **(Print Name)** | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only
FO# 2297257

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
9 1 1 - 0 0 9 0 1 - 5 1 0 0 - 0 5 7

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Morales	Helen	NMN
[redacted]	Villar Orendain	Juan	Pablo

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

Supervisor's Report on Use of Force
SUSPECT INFORMATION
911-00901-5100-057

Suspect Information

S 1

Last Name: Contreras | First Name: Andrew | Middle Name: Joseph

AKA Last Name: Contrieras | First Name: Andrew | Middle Name: J.

Sex: [X] Male [ ] Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 30 | Height: 5' 10" | D.O.B. 12/03/80 | Weight: 185 | Armed? [ ]

Booking #: 1424956 | Primary Charge Code: 422 P.C. | Secondary Charge Code: 245 (C) P.C. | Criminal History [redacted]

EMT in attendance? [X] YES [ ] NO Name: Bailey #11857 | Unit: Rescue 804 | Phone #:

Hospital Admission? [X] Rec'd Treatment At: LAC-USC Medical Center | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By Doctor: Lieberman #[redacted] | Address: 1200 North State Street, Los Angeles, 90063 | Phone #: (323) 409-1000

Under Influence: [ ] YES [X] NO Substance: | 5150 a factor in force [ ] YES [X] NO User's guide provides direction on this entry

Suspect Interview

Date: 09/16/11 | Time: 1945 | [ ] Audiotape: [X] Videotape: [X] Photos of Injuries: [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: [ ] Male [ ] Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? [ ]

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: | Unit: | Phone #:

Hospital Admission? [ ] Rec'd Treatment At: | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By Doctor: | Address: | Phone #:

Under Influence: [ ] YES [ ] NO Substance: | 5150 a factor in force [ ] YES [ ] NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | [ ] Audiotape: [ ] Videotape: [ ] Photos of Injuries: [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: [ ] Male [ ] Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? [ ]

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: | Unit: | Phone #:

Hospital Admission? [ ] Rec'd Treatment At: | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By Doctor: | Address: | Phone #:

Under Influence: [ ] YES [ ] NO Substance: | 5150 a factor in force [ ] YES [ ] NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | [ ] Audiotape: [ ] Videotape: [ ] Photos of Injuries: [ ] ADMITS HEARING ANNOUNCEMENTS

[ ] Additional Suspects Involved

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Contreras	S	Beas	E #1	UC, PH	BR, SD	HE, NK, SH
Beas	E#1	Contreras	S	CT, PH	AB	HE
Contreras	S	Beas, Magana	E#1, E#2	RS, UC	NN	
Beas, Magana	E#1, E#2	Contreras	S	TT, PP	AB, FR	FA, FR
Contreras	S	Beas	E#1	UC, RS, PH	NN	
Contreras	S	Magana	E#2	UC, RS, PH	AB, BR	FA
Beas, Magana	E#1, E#2	Contreras	S	OC	CP	FA
Beas	E#1	Contreras	S	PH, OC	CP	BK, SH
Magana	E#2	Contreras	S	PH, RH	AB, BR	FA,HE
[redacted]	E#3	Contreras	S	FL, HB, PP	CP	LE

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
USE OF FORCE - FRACTURED RIGHT ELBOW
IAB# FO2297251

URN#: 911-00901-5100-057

DATE / TIME: Friday, September 16, 2011, 1915 hours

LOCATION: 441 Bauchet Street, Los Angeles, CA. , 90012
Men's Central Jail, Visiting Rear walkway.

SUSPECT: Andrew Joseph Contreras, MH/31, DOB: 12/03/80
Former Los Angeles County Inmate, Booking #1424956

INVOLVED PERSONNEL:
Deputy Victor Beas, #[redacted] PM's, Visiting Rear
Deputy Ernest Magana, #[redacted] PM's, Visiting Rear
Deputy [redacted] #[redacted] PM's, Visiting Rear

On-call Internal Affairs Bureau personnel assumed the handle on a force investigation after learning that an inmate suffered a fractured right elbow during a fight with deputies. Angelica Arias of the Office of Independent Review was also notified.

SYNOPSIS:

On September 16, 2011, at approximately 1915 hours, Deputy Victor Beas, #[redacted] was working in Visiting Rear when he heard, then saw Inmate Andrew Contreras, Booking #1424956, stand up and yell across the glass partition at his visitor. Deputy Beas ordered Inmate Contreras, from herein, referred to as Suspect Contreras, to exit the visiting row and to stand along the wall.

As Suspect Contreras exited through the doorway, he turned and walked toward the High-Power visiting rows. Deputy Beas ordered Suspect Contreras to stop, but he did not comply and walked away. Deputy Beas followed and again, ordered the suspect to stop, which he complied, and stood faced toward the wall.

Deputy Beas stood behind the suspect and attempted to ascertain the reason for his yelling, but Suspect Contreras was hostile and yelled at Deputy Beas. In order to conduct a pat-down search for contraband and/or weapons, Deputy Beas ordered Suspect Contreras to place his hands behind his back. Because Suspect Contreras' left forearm was in a plaster cast, Deputy Beas grabbed onto the suspect's right arm for control, but Suspect Contreras became uncooperative and refused to place his left arm behind his back. Deputy Beas then yelled toward Deputy [redacted] to radio for a sergeant to respond. During this time, Suspect Contreras told Deputy Beas that he recognized Beas from the streets and that he (Beas) will "get what's coming."

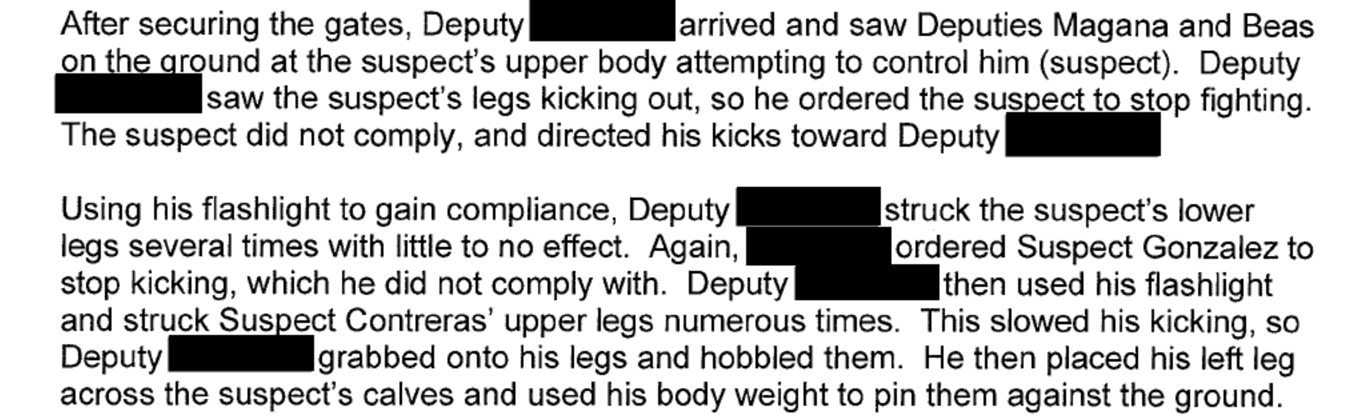
Deputy Magana arrived to assist and stood to the right of Deputy Beas. Fearing Suspect Contreras was possibly armed with a weapon and for his safety, Deputy Beas began to pat down the right side of Suspect Contreras' body. As he did this, Suspect Contreras turned his upper torso to his left, and with his left arm, he elbowed back and struck Deputy Beas in the face.

Deputy Magana immediately punched Suspect Contreras on the right side of his face with his right fist one time. Deputy Magana then pushed forward against Deputy Beas' back in order to pin the suspect against the wall. Deputy Beas was now pinned between the suspect and Deputy Magana. Suspect Contreras refused their orders to stop fighting and to place his hands behind his back. Suspect Contreras then began to use his left arm, striking backward, hitting Deputy Beas in the head and neck with his left elbow and casted arm.

Deputy Magana grabbed his Freeze + P, Oleoresin Capsicum (OC) spray, and sprayed the facial area of Suspect Contreras. Suspect Contreras still refused to comply with their orders as he attempted to push off the wall. Using both hands, Deputy Magana grabbed the suspect's arm sleeves and with his momentum, Deputy Magana pulled Suspect Contreras to the left and onto the ground.

The suspect landed on his stomach/chest area with his head striking the concrete ground. Deputies Beas and Magana fell on top of the suspect's back. Deputy Beas attempted to grab the suspect's right hand, while using his left leg/knee to press into the suspect's right shoulder area. When Beas did this, Suspect Contreras used his right arm and hooked it around Deputy Beas left leg. As Deputy Magana attempted to grab the suspect's left hand, Suspect Contreras turned his body to the left and then used his casted left arm to strike Deputy Magana on his forehead.

Seeing this occur, Deputy Beas deployed his Freeze + P, Oleoresin Capsicum (OC) spray and sprayed the left side of Suspect Contreras' face, which had no effect. Suspect Contreras maintained his grasp on Deputy Beas' left leg and attempted to pull himself upward, so Deputy Beas punched Suspect Contreras several times in his facial area with his right fist. After being struck on the forehead and feeling Suspect Contreras' body attempt to raise upward, Deputy Magana punched the suspect's lower back numerous times with his right fist.



After securing the gates, Deputy [redacted] arrived and saw Deputies Magana and Beas on the ground at the suspect's upper body attempting to control him (suspect). Deputy [redacted] saw the suspect's legs kicking out, so he ordered the suspect to stop fighting. The suspect did not comply, and directed his kicks toward Deputy [redacted]

Using his flashlight to gain compliance, Deputy [redacted] struck the suspect's lower legs several times with little to no effect. Again, [redacted] ordered Suspect Gonzalez to stop kicking, which he did not comply with. Deputy [redacted] then used his flashlight and struck Suspect Contreras' upper legs numerous times. This slowed his kicking, so Deputy [redacted] grabbed onto his legs and hobbled them. He then placed his left leg across the suspect's calves and used his body weight to pin them against the ground.

As this was occurring, Suspect Contreras then spat blood onto Deputy Beas' face, so Deputy Beas used his left fist and punched Suspect Contreras' right shoulder blade several times. Seeing Suspect Contreras spit, Deputy Magana punched Suspect Contreras' lower left back area several more times. Deputy Magana was then able to grab a hold of the suspect's left arm and pull it behind the suspect's back.

Deputy Beas was able to pull the suspect's right arm behind the suspect's back and Deputy Magana handcuffed the right wrist. Still controlling the suspect's left arm, Deputy Magana waited for a zip-tie, which he used on the suspect's casted left arm and secured it to the handcuff.

Sergeant Jon Ray arrived, along with assisting personnel. Suspect Contreras was taken to the jail clinic, then later transported to the Los Angeles County Medical Center where he was diagnosed with various abrasions and bruises, and a possible broken arm/elbow.

Due to the fact the inmate had previously been involved in a serious car accident, and has numerous pins/scar tissue in his right arm, a radiologist was requested to confirm the fresh break to the arm. On September 18, 2011, it was confirmed the inmate had sustained a broken elbow.

IAB Note: Employee Witnesses (Custody Assistant Helen Morales and Deputy Juan Villar-Orendain) stated they were walking through the Visiting Rear main hallway when they saw Deputy Beas and the suspect standing at the wall. The suspect was verbally loud, but they did not see any force and they both left the area to go to their next work area. They both responded to the radio broadcast of the deputy involved fight. Custody Assistant Morales maintained security outside Visiting Rear. Deputy Villar-Orendain entered Visiting Rear and saw unknown deputies on the ground with the suspect, but no force was witnessed and a Code-4 was broadcasted, so he maintained security of the inmates outside of Visiting Rear.

INVOLVED PERSONNEL:

BEAS, Victor NMI.
Deputy Sheriff, Employee #[redacted]
Custody Operations Division / Men's Central Jail

Work History:

Date of Employment:	02/20/2008
Date assigned to MCJ:	06/29/2008
Prior Founded Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

MAGANA, Ernest A.
Deputy Sheriff, Employee #[redacted]
Custody Operations Division / Men's Central Jail

Work History:

Date of Employment:	12/05/2007
Date assigned to MCJ:	04/13/2008
Prior Founded Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

[redacted]
Deputy Sheriff, Employee #[redacted]
Custody Operations Division / Men's Central Jail

Work History:

Date of Employment:	04/04/2005
Date assigned to MCJ:	12/07/2008
Prior Founded Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

EMPLOYEE WITNESSES:

MORALES, Helen NMI.
Custody Assistant, Employee #[redacted]
Custody Operations Division / Men's Central Jail

VILLAR-ORENDAIN, Juan P.
Deputy Sheriff, Employee #[redacted]
Custody Operations Division / Men's Central Jail

NON-EMPLOYEE WITNESS:

None.

SUSPECT INFORMATION:

CONTRERAS, Andrew Joseph, MH/31, DOB: 12/03/80, 5' 10", 185 pounds
Booking #1424956, CCHRS #[redacted] CII #[redacted] FBI #[redacted] and MAIN #[redacted]

A check of CCHRS (Consolidated Criminal History Reporting System) revealed that Suspect Contreras [redacted]

Suspect Contreras also has [redacted] For further, refer to a copy of his CCHRS/CII printouts included in ***Exhibit P,*** in the case book.

INJURIES:
Deputy Beas sustained a contusion to his left orbital and blood exposure. He was medically treated at U.S. Healthworks and released back to work without restrictions, but continues to get frequent headaches,.

Deputy Magana sustained a contusion to his head and blood exposure. He was medically treated at U.S. Healthworks and released back to work without restrictions.

Deputy [redacted] did not sustain any injury in this incident.

Suspect Contreras sustained a fractured right elbow, ruptured left eardrum, had complaint of pain to his right side rib area, right ear, left hand, left arm, face, and head area. For further, refer to a copy of the Inmate Injury Report by Deputy Mario Marquez Jr., presented as ***Exhibit K***, in the case book.

> **IAB Note:** In the MCJ's Watch Commander interview, Suspect Contreras stated he had 18 screws and a plate in his right arm, and indicated that the injury felt like it had "popped out of place again." For further, refer to his Watch Commander interview, presented as ***Exhibit N***.

Suspect Contreras was later transported to the Los Angeles County Medical Center where he was diagnosed with various abrasions and bruises, and a possible broken arm/elbow. It was later confirmed the suspect had sustained a broken right elbow. Regarding the medical diagnosis, refer to a copy of Deputy Neri's Supplemental Report, presented as ***Exhibit L***, in the case book.

PHYSICAL EVIDENCE:
None.

INVESTIGATORS' OBSERVATIONS:
The scene was not held by the personnel from the Men's Central Jail due to the fact the suspect's hospitalization was not learned until the evening hours that day, wherein follow-up notification to IAB was made.

WEAPONS USED BY DEPUTY PERSONNEL:
Deputy Victor Beas used control holds, team take-down, O.C. spray, and his left fist.

Deputy Ernest Magana used his right fist, O.C. spray, team take-down, and handcuffing.

Deputy [redacted] used his flashlight, hands, leg, and hobble.

WEAPONS USED BY THE SUSPECT:

Suspect Contreras elbowed Deputy Beas several times on the face and neck area, spat blood at him, threatened him, and grabbed his leg. He hit Deputy Magana on the forehead with his cast, attempted to kick Deputy [redacted] and was uncooperative and resistive to Deputies Beas, Magana, and [redacted]

PROPERTY DAMAGE:

There was no property damage during the fight with the deputies.

CRIMINAL INVESTIGATION CHARGES:

Investigator's Name:	Jail Investigation Unit - Det. Armand Villagomez #[redacted]
Court:	Criminal Courts Building
Charges Filed:	422 PC, 69 PC, 243 (c)(2) PC, and 243.9 (a) PC
D.A. Case Number:	BA39006801

On October 19, 2011, Deputy District Attorney Victoria Pasternack filed the above listed charges against Suspect Contreras. On July 20, 2012, the District Attorney's Office dropped the charges and the case was dismissed pending the completion of the Sheriff's Departments' Internal Affairs Review. Refer to the supplemental report by Detective Villagomez ***(Exhibit Q)***, reports by West Covina Police Officer [redacted] and El Monte Police Department ***(Exhibit R)***, and a copy of the Case Filing Worksheet by Deputy District Attorney Victoria Pasternack ***(Exhibit S)***, in the case book.

> **IAB Note:** Jail Investigation Unit, Detective Armand Villagomez, stated he will re-file the criminal case upon the completion of the Department's Force Review.
>
> On August 6, 2012, Suspect Contreras was transferred to Delano State Prison to serve a three-year felony conviction for terrorists threats, stemming from his original arrest by the El Monte Police Department.

LIGHTING AND WEATHER CONDITIONS:

The incident occurred within a dimly-lit area in the Visiting Room walkway/hallway of the jail facility.

INVOLVED EMPLOYEES' STATEMENTS:

Deputy Victor Beas *was interviewed on February 16, 2012, at approximately 1033 hours, by IAB Sergeants Dinah Grote and Laura Haynes, at the IAB Commerce office. He was represented by Attorney Helen Schwab from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio taped interviews in the IAB audio files and/or the verbatim transcripts listed under the* ***Transcribed Interviews-Involved Employees****, in the case book.*

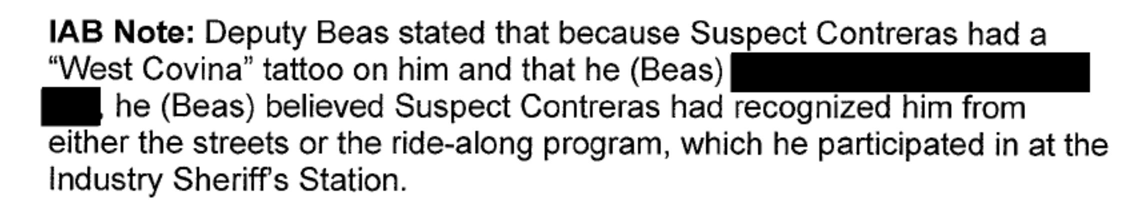
> **IAB Note:** In the IAB interview, Sergeant Grote referred to the interview date as September 16, 2011, when in fact the interview was actually conducted on February 16, 2012.

Deputy Beas said that while working in Visiting Rear and conducting security walks of C-Row, he heard an inmate (Suspect Contreras) yell, then saw the inmate stand up from his seat. The suspect yelled profanities toward the direction of his female visitor on the other side of the glass partition. Deputy Beas stood outside the Visiting Room door and told Suspect Contreras to exit C-Row and to face the wall. Deputy Beas wanted to investigate the reason for Suspect Contreras' yelling and attempt to calm him down.

When Suspect Contreras exited the row, he made a left turn and walked toward the "high power and keep-away" inmates visiting rows. Immediately, Deputy Beas told Suspect Contreras to stop and to face the wall, but he did not comply as he continued to walk approximately 15 feet away from the C-Row door. Again, Deputy Beas ordered Suspect Contreras to stop and to face the wall. Suspect Contreras then complied and stopped at the wall past E-Row, beyond the walkway metal security gate.

Deputy Beas approached Suspect Contreras and stood behind the suspect, offset to the suspect's right side. With an angry look on his face, Suspect Contreras turned toward Deputy Beas and said, "Is there a reason why you are fucking with my visit?" Deputy Beas stated his intention was to calm the suspect and to get him back to his visit, so he told Suspect Contreras to calm down and to face back toward the wall. Suspect Contreras responded by saying, "That's none of your business. I'm done talking to you."

In order to conduct a search for weapons and/or contraband, Deputy Beas told Suspect Contreras to place his hands behind his back. Suspect Contreras said, "No. What the fuck for?", and refused to place his hands behind his back. Seeing that Suspect Contreras had a plaster cast on his left arm, Deputy Contreras placed his left hand on Suspect Contreras' right wrist. Suspect Contreras told Deputy Beas that he recognized him (Beas) from the streets and that he (Beas) will "get what's coming."



> **IAB Note:** Deputy Beas stated that because Suspect Contreras had a "West Covina" tattoo on him and that he (Beas) [redacted], he (Beas) believed Suspect Contreras had recognized him from either the streets or the ride-along program, which he participated in at the Industry Sheriff's Station.

Due to Suspect Contreras' uncooperative behavior, Deputy Beas saw Deputy [redacted] seated at a desk approximately 20 feet away. He told Deputy [redacted] to radio broadcast for a sergeant to respond to Visiting Rear regarding an uncooperative inmate. Because of the suspect's belligerent behavior, Deputy Beas believed Suspect Contreras possibly had a weapon on his person, so Deputy Beas began to search Suspect Contreras. Suddenly, and without provocation, Suspect Contreras used his left arm and elbowed Deputy Beas, striking Deputy Beas' left upper cheek area.

> **IAB Note:** Deputy Beas stated he did not wait for a supervisor to arrive because Suspect Contreras was uncooperative and he believed the suspect was possibly armed. If he (Beas) retreated and the suspect was armed, Beas believed the suspect would "shank" him.

Fearing for his safety, and after he lost control of the suspect's right hand/arm, Deputy Beas used his body and pushed Suspect Contreras toward the wall in an attempt to pin him. Using the wall as leverage, Deputy Beas continued to pin the suspect against the wall, but felt dizzy and confused from being hit on the head. Suspect Contreras continued to use his casted left arm to strike Deputy Beas' head and neck area several more times.

> **IAB Note:** In Deputy Beas' Incident Report, he wrote the suspect struck him (Beas) with his right arm. Prior to being interviewed by IAB, Deputy Beas corrected his report and stated the suspect had used his casted left hand/arm to assault him. For further, refer to MCJ's DVD interview of the suspect and his casted left arm.

Still feeling dazed from the head strikes, Deputy Beas ordered Suspect Contreras to stop fighting and attempted to gain control of Suspect Contreras' left arm. Deputy Beas saw an unknown deputy (Deputy Magana) in a tan and green uniform arrive on his right side. He and Deputy Magana were able to get the suspect to the ground where the suspect's body fell across the threshold of the open hallway gate. He said Suspect Contreras fell onto his stomach with the suspect's head possibly striking the concrete ground. Deputy Beas fell on top of the suspect's body with his (Beas') upper body on the suspect's right side. He believed Deputy Magana was to the suspect's left side because he could not see him.

On the ground, Suspect Contreras attempted to push upward, so getting into a squatted position on the right side of the suspect's body, Deputy Beas placed his left knee onto the suspect's right shoulder area to hold him down. He then placed his right knee on the ground. Deputy Beas gave orders to Suspect Contreras to stop fighting and attempted to grab the suspect's right arm, but Suspect Contreras used his right arm and hooked it around Deputy Beas' left lower leg area.

Using Deputy Beas' leg as leverage, Suspect Contreras attempted to pull himself upward. Deputy Beas ordered Suspect Contreras to release his leg, but the suspect responded by saying, "I'm not done bitch." Suspect Contreras then turned his body to his left and used his left arm to elbow backward striking Deputy Magana in the face.

At this point, Deputy Beas applied a two to three second burst of Freeze + P, Oleoresin Capsicum (OC) spray to the left side of Suspect Contreras' face. This was not effective because Suspect Contreras continued to hold Deputy Beas' left leg with his right arm in an attempt to stand up.

> **IAB Note:** Deputy Beas stated he smelled O.C. prior to his use and believed Deputy Magana applied it first, but he (Beas) did not witness it.

Again, Deputy Beas ordered the suspect to stop fighting in which the suspect did not comply. In an attempt to free himself from Suspect Contreras' grasp, Deputy Beas punched the right side of Suspect Contreras' face four to five times with his right fist. His punches were not effective as Suspect Contreras continued to hold his leg and yell obscenities at Deputy Beas. Suspect Contreras then spat blood on Deputy Beas several times, which landed on Deputy Beas' face, lower right arm, chest, and uniform.

Deputy Beas ordered the suspect to stop spitting and attempted to pull his left leg from Suspect Contreras' grasp. As Suspect Contreras continued to hold and pull his left leg, Deputy Beas used his left fist and punched Suspect Contreras' upper right shoulder blade area two to three times. The punches appeared to be effective because Suspect Contreras released his grasp on Deputy Beas' left leg enough for Deputy Beas to pull his leg away. Deputy Beas then grabbed Suspect Contreras' right arm and pulled it behind the suspect's back.

Deputy Beas said Deputy [redacted] arrived and maintained control of the suspect's legs while Deputy Magana handcuffed Suspect Contreras. After being handcuffed, Suspect Contreras continued to yell obscenities at the deputies. Deputy Beas heard radio traffic being broadcasted, but he does not recall who or what was said. He said Sergeant Jon Ray arrived and then Suspect Contreras was escorted to the jail's clinic by other deputy personnel.

Deputy Beas stated he did not strike the suspect first nor did he threaten the suspect. During the fight, Deputy Beas recognized that a deputy was involved, but he did not know who it was until the conclusion of the fight. He said although a Taser was accessible, he did not have one on his person at the time of the incident. He said the fight felt like it lasted a long time, but was unable to provide a time frame.

For further, refer to the Incident Report by Deputy Beas, photographs/CD containing his injuries, and his Training Records, presented as ***Exhibits A, B, and C***. Also, refer to the photographs/CD taken of the main hallway in Visiting Rear, presented as ***Exhibit I***, in the case book.

Deputy Ernest Magana *was interviewed on February 16, 2012, at 1143 hours, by IAB Sergeants Dinah Grote and Laura Haynes, at the IAB Commerce office. He was represented by Attorney Helen Schwab from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio taped interviews in the IAB audio files and/or the verbatim transcripts listed under the* ***Transcribed Interviews-Involved Employees****, in the case book.*

Deputy Magana stated he was working in Visiting Rear and exited Row D. When he entered the main row, he saw Deputy Beas talking to an unknown inmate (Suspect Contreras) who stood faced toward the wall. Although Deputy Magana did not hear what was being said, Deputy Beas appeared to be talking to the suspect. The suspect's voice was raised and he appeared to be angry as Deputy Beas began to search him.

Deputy Magana stood to the right, and slightly behind Deputy Beas as Deputy Beas began his body search of Suspect Contreras. When Deputy Beas placed his right hand along the suspect's right leg, Suspect Contreras turned his upper torso to the left, raised his left arm, and used his left elbow to strike Deputy Beas in the face.

With the suspect's momentum turning back to his right, Deputy Magana immediately punched the right side of the suspect's face one time with his right fist, which was not effective. In an attempt to prevent the suspect from continuing to fight, Deputy Magana pushed the left side of his body against Deputy Beas' back, which was up against the suspect's back, to pin the suspect against the wall. Suspect Contreras continued to swing his left arm/elbow backward, striking Deputy Beas' face and head, and attempted to push off the wall.

With his right hand, Deputy Magana grabbed his Freeze + P, Oleoresin Capsicum (OC) spray, and sprayed Suspect Contreras' facial area for approximately two seconds with little to no effectiveness.

With Deputy Beas still between him (Magana) and the suspect, Deputy Magana used both hands and grabbed onto the suspect's shirt sleeves. Using his momentum, Deputy Magana pulled the suspect to the left, and onto the ground. Suspect Contreras landed on his chest and his (Contreras') head struck the ground with Deputies Magana and Beas falling on top of the suspect's back.

Deputy Magana landed on the suspect's left side and Deputy Beas landed toward the right side. Immediately, Deputy Magana attempted to grab the suspect's left hand for handcuffing. When he did this, Suspect Contreras turned his body and looked at Deputy Magana, then swung his casted left arm at Deputy Magana, striking Deputy Magana on the forehead above his left eyebrow.

Deputy Magana immediately punched Suspect Contreras on his lower back area four to six times consecutively with his right fist, and gave him orders to stop fighting and to place his hands behind his back. Using both hands, Deputy Magana was able to gain control of the suspect's left hand. He then noticed the suspect's right hand was around Deputy Beas' leg and he heard Deputy Beas yelling at the suspect to stop fighting.

At this point, Deputy Magana heard the sound of the suspect spitting toward Deputy Beas and felt the suspect trying to push up from the ground, so Deputy Magana consecutively punched the suspect's left lower back area five to six more times with his right fist. Deputy Magana was able to gain control of the suspect's left arm and pulled it behind the suspect's back. Deputy Magana then saw Deputy Beas had gained control of the suspect's right arm and placed it behind the suspect's back.

> **IAB Note:** Prior to being interviewed by IAB, Deputy Magana stated that during the fight with Suspect Contreras, he saw Suspect Contreras spit at Deputy Beas, but forgot to include that information in his Supplemental Report.

Deputy Magana stated he handcuffed the suspect's right hand and waited until someone (unknown) gave him a zip-tie. He then used the zip-tie and secured it to the suspect's left cast arm, and secured the handcuff to the zip-tie. He said that even after being handcuffed, Suspect Contreras was verbally assaultive and yelling at the deputies, and he noticed that the suspect's legs had been hobbled, but he did not witness the application. He said Sergeant Ray arrived at the scene and that he advised the sergeant. Suspect Contreras was then taken to the jail clinic by other deputy personnel.

Deputy Magana stated that during the entire incident, Suspect Contreras was resistive, and physically and verbally assaultive toward him and Deputy Beas. He said that throughout the incident, he and Deputy Beas gave Suspect Contreras orders and commands to stop fighting, and to place his hands behind his back. Deputy Magana estimated that the fight lasted approximately 30-45 seconds.

For further, refer to Deputy Magana's Supplemental Report, photographs/CD containing his injury, and his Training Records, presented as ***Exhibits D, E, and F***. Also, refer to the photographs/CD taken of the main hallway in Visiting Rear, presented as ***Exhibit I***, in the case book.

Deputy [redacted] *was interviewed on February 16, 2012, at 1210 hours, by IAB Sergeants Dinah Grote and Laura Haynes, at the IAB Commerce office. He was represented by Attorney Helen Schwab from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio taped interviews in the IAB audio files and/or the verbatim transcripts listed under the* ***Transcribed Interviews-Involved Employees****, in the case book.*

> **IAB Note:** Prior to being interviewed by IAB, Deputy [redacted] stated he inaccurately wrote down the last two digits of the suspect's booking number on his Supplemental Report as "46", when in fact it should be "56".

Deputy [redacted] stated he was working as the Seating Deputy in Visiting Rear. He said he was positioned behind the podium assigning the incoming inmates when Deputy Beas verbally requested that he [redacted] radio for a sergeant to respond due to an uncooperative/hostile inmate.

As Deputy [redacted] broadcasted the request over his handheld radio, he saw Deputy Beas in the hallway, approximately 30 feet from the podium, start to search the inmate (Suspect Contreras) with Deputy Magana standing by. As Deputy Beas was searching the right side of Suspect Contreras, he saw the suspect turn to his left and use his left arm to elbow Deputy Beas' facial area. Immediately, Deputy [redacted] radio broadcasted that deputies were involved in a fight.

After grabbing his keys and Streamlight SL flashlight, Deputy [redacted] ran around the podium. He then ran toward the Rows B/C and D/E gates and secured them, so that other inmates would not become involved. Upon securing the gates, Deputy [redacted] ran over to assist Deputies Beas and Magana who were now on the ground fighting with the suspect.

Deputy [redacted] arrived on the left side of the suspect's body, near his feet. He saw Deputies Magana and Beas at the suspect's upper body area, and the suspect was kicking his feet. He ordered Suspect Contreras to stop fighting, but Suspect Contreras did not comply and attempted to kick his legs at Deputy [redacted]

Using the non-illuminating side of the flashlight, Deputy [redacted] struck Suspect Contreras' left and right lower legs three to four times to prevent him from further kicking, but this was not effective because he continued to kick at Deputy [redacted]

Again, Deputy [redacted] ordered the suspect to stop fighting, but he did not comply. Deputy [redacted] then used his flashlight and struck Suspect Contreras' upper left leg area two to three times in an attempt to gain compliance. As Deputy [redacted] did this, Suspect Contreras used his right leg and kicked toward [redacted] so Deputy [redacted] struck the suspect's upper right leg area two to three times.

The strikes appeared to have enough effect on the suspect because the kicking slowed down enough for Deputy [redacted] to gain control of his legs. Deputy [redacted] then crouched down and applied the hobble around the suspect's legs. The suspect continued his attempt to kick, so to prevent further kicking, Deputy [redacted] used his left shin area and placed it across the suspect's calves, then used his body weight and hands to pin the suspect's feet and legs against the ground until assisting deputy personnel arrived and took control of the suspect.

Deputy [redacted] stated Sergeant Ray arrived and he notified the sergeant of the incident. Deputy [redacted] was not injured in this incident, but his hands were exposed to blood that was on the ground. He stated that other than seeing Deputies Beas and Magana on the ground trying to control the suspect's upper body, he did not witness any of their force. Only after the incident did Deputy [redacted] realize O.C. spray had been deployed.

For further, refer to Deputy [redacted] Supplemental Report and his Training Records, presented as ***Exhibits G and H***. Also, refer to the photographs/CD taken of the main hallway in Visiting Rear, presented as ***Exhibit I***, in the case book.

EMPLOYEE WITNESS STATEMENTS:

Custody Assistant Helen Morales *was interviewed at her residence on June 6, 2012, at 0902 hours, by IAB Sergeants Dinah Grote and Mark Lopez. She declined representation. Precise wording may be obtained by reviewing the digitally audio taped interviews in the IAB audio files and/or the verbatim transcripts listed under the* ***Transcribed Interviews - Employee Witnesses****, in the case book.*

IAB Note: Due to being injured on duty, Custody Assistant Morales was off work and at home. Upon telephoning her about her welfare and availability for an interview, she said she wanted to be interviewed and did not want to wait for her return back to work. She requested that the interview be conducted at her residence, not at Carson Sheriff's Station.

Custody Assistant Morales stated that she and Deputy Villar-Orendain were en route to pick up a line of inmates from the jail hospital. She stated Deputy Villar-Orendain wanted to stop in the Visiting Rear area to talk to an employee, so they went to the Visiting Rear area near the K-10 rooms. After a few minutes, they decided to leave to pick up their line of inmates. Custody Morales stated she left the rear Visiting Rear area ahead of Deputy Villar-Orendain.

From the rear Visiting Room area, she entered the Visiting Rear walkway/hallway and saw an inmate (Suspect Contreras) standing at and faced toward the wall. Deputy Beas had a hold of the suspect's left arm in an attempt to place it behind the suspect's back, but the suspect yelled and moved his body back and forth, and he turned his head front to back toward Deputy Beas, while Deputy Beas attempted to grab onto his right arm. She could not hear any conversation from Deputy Beas because the suspect yelled and was uncooperative to Deputy Beas as Deputy Beas attempted to maintain control of the suspect's left hand. She said she possibly told Suspect Contreras to listen and to cooperate with Deputy Beas.

She then went back toward Visiting Rear and told Deputy Villar-Orendain of the incident. When she and Deputy Villar-Orendain returned to assist, Deputy Beas had the suspect's hands behind his back placed in a firm grip. They remained by Deputy Beas for a few seconds and since other assigned Visiting Rear deputies started to come toward them, she and Deputy Villar-Orendain decided to go pick up their line of inmates from the hospital.

Custody Assistant Morales said that they walked about 30-40 feet from the Visiting Room entrance and approximately 5-6 seconds later, she heard radio transmissions of a deputy-involved fight in the Visiting Rear. She and Deputy Villar-Orendain responded back to Visiting Rear to assist, but other personnel had arrived, so she remained outside to monitor the inmates in the Main hallway. Approximately four to five seconds later, she heard a Code-4 broadcast over the handheld radio.

Although she did not witness any force, she notified Sergeant Ray of the initial contact she saw with Deputy Beas and the suspect. For further, refer to the sketch by Custody Assistant Morales depicting the scene, presented as ***Exhibit J***, in the case book.

Deputy Juan Villar-Orendain *was interviewed on June 21, 2012, at 1000 hours, by IAB Sergeants Dinah Grote and Mark Lopez, at the IAB Commerce office. He was represented by Attorney Helen Schwab from Green & Shinee. Precise wording may be obtained by reviewing the digitally audio taped interviews in the IAB audio files and/or the verbatim transcripts listed under the* ***Transcribed Interviews - Employee Witnesses****, in the case book.*

Deputy Villar-Orendain stated he and Custody Morales were partners and they were assigned to pick up inmates to take to the Roof. Alone, he left the Roof area and stopped in the Visiting Room to visit with an employee. He went down an unknown row, met with the employee, and left when Custody Assistant Morales arrived.

Walking toward the Visiting Room exit doorway with Custody Morales, Deputy Villar-Orendain saw an inmate as he stood and faced the wall along the walkway. He said Deputy Beas was talking to the inmate and it did not appear to Deputy that the incident would escalate, so they exited the Visiting Room, walked down the Main hallway, and entered the Clinic, then heard radio traffic advising of a deputy-involved fight in Visiting.

Deputy Villar-Orendain ran back toward Visiting and saw a line of seven to twelve inmates who stood along the Main hallway wall, adjacent to the Visiting Room entrance. When Deputy Villar-Orendain entered the doorway to Visiting Rear, he saw several deputies on the walkway ground with an inmate. He saw an unknown deputy kneeling over the inmate, but he did not see any force being used and it appeared to be under control. Deputy Villar-Orendain then exited Visiting and ordered the inmates along the Visiting Room exterior wall to lie down on the ground. He remained there and provided security of the inmates. He stated he did not know where Custody Assistant Morales was at that time.

NON-EMPLOYEE WITNESS STATEMENTS:

None.

> **IAB Note:** MCJ's Sergeant Jon Ray interviewed and videotaped numerous potential inmates. However, there were no witnesses to the use of force. For further, refer to the DVD interviews and list of names interviewed, presented as ***Exhibit O***, in the case book.

SUSPECT STATEMENTS:

Suspect Andrew Contreras *was videotaped after the incident by MCJ's Lieutenant Robin Limon and Sergeant Jon Ray. Precise wording may be obtained by reviewing the digitally audio taped interview in the IAB audio files, the verbatim transcripts listed under* ***Transcribed Interviews - Suspect - MCJ's Interview****, and/or the DVD, located in* ***Exhibit N****, in the case book.*

Subject Contreras stated he was in the visiting room talking to his girlfriend. Initially, Suspect Contreras denied being loud or creating a disturbance in the visiting room area, and then stated he had an argument with his girlfriend and was yelling. Although he had no idea how loud his voice was a deputy (Beas) removed him from the visiting room and then placed him against a wall.

As Suspect Contreras stood and faced the wall, the deputy told Contreras to place his hands behind his back. Suspect Contreras told the deputy that his hand (left) was broken and he had an incision on it. When the deputy grabbed onto his fingers of that hand, Suspect Contreras told the deputy that his hand was broken and to stop grabbing it. Suspect Contreras said a female custody assistant then walked past them and stayed for approximately two minutes before the deputy (Beas) told another deputy to move the custody assistant away. He said the female custody assistant was removed from the area so that the deputies "could do whatever they were gonna do."

Suspect Contreras said that after the custody assistant was out of sight, the deputy sprayed him in the face and then punched his face. He said the deputies "dropped" him to the ground and then beat him. He denied assaulting or causing injuries to the deputies, and he had complaint of pain to his right and left arm, face, head, and rib area.

***Suspect Andrew Contreras** was interviewed on September 27, 2011, by Jail Investigations Unit, Detective Armand Villagomez. Precise wording may be obtained by reviewing the digitally audio taped interview in the IAB audio files or the verbatim transcripts listed under **Transcribed Interviews - Suspect - JIU Interview**, in the case book.*

Suspect Contreras told Detective Villagomez that his left forearm was in a cast, but his hand was wrapped in gauze. He said he did not resist, strike, spit, or threaten the involved deputies. He said he had been in and out of the County Jail for 13 years and never would have assaulted a deputy. He admitted he argued with his girlfriend and then he was removed from the visiting room. Beyond telling the deputy (Beas) not to squeeze his fingers because of his broken hand, Suspect Contreras told Detective Villagomez he did not want to talk about his confrontation with the deputies.

> **IAB Note:** On the day of the incident, Suspect Contreras' visitor was identified as [redacted] JIU's Detective Armand Villagomez made unsuccessful attempts to interview Ms. [redacted] Detective Villagomez also monitored Suspect Contreras' telephone calls using the Inmate Telephone Monitoring System. Specifically, on September 18, 2011, Suspect Contreras told Ms. [redacted] that he was beat up by deputies and requested that she obtain a civil attorney for him to file a lawsuit. Also, Ms. [redacted] questioned Suspect Contreras as to the reason the deputies ended their [redacted] and Contreras') visit. For further, refer Detective

Villagomez' Supplemental Report and the CD, call #1, containing the recorded conversation, presented in ***Exhibit Q***.

IAB Note: Using Ms. [redacted] residence addresses and telephone numbers associated with that address, IAB Sergeant Dinah Grote made three separate attempts to call Ms. [redacted] but the person(s) answering the telephone stated they did not know nor had they heard of a [redacted]

IAB Note: On September 29, 2011, Esther Lim from the American Civil Liberties Union (ACLU) filed a third party Referred Inmate Complaint to Lieutenant Lamar LaFave on behalf of Suspect Contreras. For further, refer to a copy of the complaint, presented as ***Exhibit T***, in the case book.

On May 24, 2012, Suspect Andrew Contreras *was interviewed at the Twin Towers Correctional Facility by IAB Sergeant Dinah Grote. Precise wording may be obtained by reviewing the digitally audio taped interviews in the IAB audio files, and/or the verbatim transcripts listed under* ***Transcribed Interviews - Suspect - IAB Interview****, in the case book.*

Suspect Contreras declined to provide any information about the female custody assistant without his attorney being present. He and his attorney did not contact me for a follow-up interview prior to the submission of this case book.

761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: January 10, 2013

OFFICE CORRESPONDENCE FILE NO. IV 2320539

FROM: RALPH G. ORNELAS, CAPTAIN
MEN'S CENTRAL JAIL

TO: VICTOR BEAS, DEPUTY
MEN'S CENTRAL JAIL

SUBJECT: **WRITTEN REPRIMAND**

An administrative investigation determined that on September 16, 2011, you failed to perform your duties to Department standards in relation to Manual of Policy and Procedures section 3-01/030.10 OBEDIENCE TO LAWS, REGULATIONS AND ORDERS, as it pertains to Custody Division Manual section 5-05/090.05 HANDLING INSUBORDINATE, RECALCITRANT, HOSTILE OR AGGRESSIVE INMATES. You are hereby reprimanded and are advised that further violations of this policy, or of a similar nature, may result in more severe discipline.

RALPH G. ORNELAS, CAPTAIN

I have read the original copy of this correspondence.

Victor Beas #[redacted] 01/10/13 Date

Witness 01-10-13 Date

SETTLEMENT AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Victor Beas, Employee No. [redacted] hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in the Letter of Intent dated September 14, 2012, (IAB No. 2320539), upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. The Department will, upon execution of this Settlement Agreement, reduce the intended three (3) day suspension to a written reprimand that contains the violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains to Custody Division Manual section 5-05/090.05, Handling Insubordinate, Recalcitrant, Hostile or Aggressive Inmates. Grievant accepts the reprimand and understands that a copy will be placed in his personnel file.

2. Both parties agree and understand that Grievant's Personnel Performance Index will reflect that a written reprimand was issued and may be used for the purposes of demonstrating "progressive discipline."

3. Grievant agrees to waive any and all future administrative and/or judicial remedies with respect to this matter and Internal Affairs Bureau No. 2320539 This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission.

4. Grievant acknowledges and agrees that he has been provided the opportunity to consult with a labor representative and/or attorney regarding the terms and conditions of this Settlement Agreement.

5. The parties further agree that this Settlement Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice. This Settlement Agreement resolves the dispute between Grievant and the Department and is not to be applied to any other facts or disputes.

6. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit, and forever discharge the County, and all present and former officers, employees and agents of the County and their heirs, successors, assigns, and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter referred herein. Additionally, Grievant specifically acknowledges that he has not been the subject of discrimination in any form, including, but not limited to, discrimination, retaliation or harassment, based upon age, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, parental status, sexual orientation or gender and that he has no claim against the Department for any such discrimination, whether any such claim is presently known or not known by him.

1/9/13

7. Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> *"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."*

8. Each party hereto represents and agrees that he or it has carefully read and fully understands all of the provisions of the Settlement Agreement and that he or it is voluntarily, without any duress or undue influence on the part of or on behalf of any party, entering into this Settlement Agreement.

9. This Settlement Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A photocopy or facsimile transmission of the Settlement Agreement, including signatures, shall be deemed to constitute evidence of the Settlement Agreement having been executed.

10. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Settlement Agreement.

11. The parties agree that the foregoing comprises the entire Settlement Agreement between the parties and that there have been no other promises made by any party. Any modification of this Settlement Agreement must be in writing.

I have read the foregoing Settlement Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

For the Sheriff's Department:

Date: 12/21/12

Victor Beas, Deputy

Date: 12/21/12

Ralph Ornelas (EP)

Ralph Ornelas, Captain
Mens Central Jail



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



September 14, 2012

Deputy Victor Beas, #[redacted]

Dear Deputy Beas:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of three (3) days.

An investigation under IAB File Number 2320539, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations and Orders, specifically as it pertaining to Custody Division manual section 5-05/090.05, (Handling Insubordinate, Recalcitrant, Hostile or Aggressive Inmates), on or about September 16, 2011, you failed to properly perform your duties and/or failed to perform your duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department and/or failed to conform to work standards established for your position, as evidenced by but not limited to:

   a) failing to appropriately coordinate with a supervisor when engaging a recalcitrant inmate.

Additional facts and grounds for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, your unit commander has thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Maggie Dixon, of Internal Affairs Bureau, at ([redacted]) [redacted]-[redacted], and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

John H. Clark, Captain
Internal Affairs Bureau

JHC:md

c: Advocacy Unit
Employee Relations Unit
Alexander R. Yim, Chief, Custody Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2320539)

761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: September 13, 2012

OFFICE CORRESPONDENCE

FILE NO. IV2320539
FO2297251

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION III

TO: JOHN CLARK, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS USE OF FORCE**

The purpose of this memo is to notify you of the Review Committee's findings and recommendations concerning the force incident which occurred on September 16, 2011.

The Committee met on September 13, 2012, and consisted of Commander David Fender, Custody Operations Division, Commander Buddy Goldman, Field Operations Region I, and myself.

The Committee deemed:

- as **Founded** the allegation that Deputy Victor Beas, #[redacted] in violation of the Department's Manual of Policy and Procedures, Section 3-01/030.10, (Obedience to Laws, Regulations and Orders), specifically pertaining to Custody Division manual section 5-05/090.05, (Handling, Insubordinate, Recalcitrant, Hostile or Aggressive Inmates) on or about September 16, 2011, you failed to properly perform your duties and/or failed to perform your duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department and/or failed to conform to work standards established for your position, as evidenced by but not limited to:

    a) Failing to appropriately coordinate with a supervisor when engaging a recalcitrant inmate.

The Committee recommended that Deputy Victor Beas, #[redacted] receive a **three (3) day Suspension**.

MJR:JER:jer

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: September 13, 2012
FILE NO:

OFFICE CORRESPONDENCE

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION III

TO: JOHN H. CLARK, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	FO2297251/IV2320539
Incident:	Significant Use of Force
Incident Date:	September 16, 2011
Unit:	Men's Central Jail/Custody Division
Suspects:	Andrew Joseph Contreras, M/30
Involved Employees:	Deputy Victor Beas, #[redacted] Deputy Ernest Magana, #[redacted] Deputy [redacted] #[redacted]
EFRC Date:	September 13, 2012

The Executive Force Review Committee consisting of Commander Michael Rothans, Commander Buddy Goldman, and Commander David Fender met and reviewed the above case.

FINDINGS:
The Committee determined the force used by Deputy Beas, Deputy Magana and Deputy [redacted] was objectively reasonable and in compliance with Department Policy. The Committee also determined the tactics used by Deputy Magana and Deputy [redacted] were within the Department's training standards. The tactics used by Deputy Beas are addressed under separate cover memorandum.

RECOMMENDATIONS:
The Committee recommended that Deputy Beas be placed on Formal Performance Review.

In addition, the Committee recommended Deputy Beas attend eight hours of Tactical Communication training, eight hours of Critical Decision Making training, eight hours of Life Class training, and four hours of Dealing with Difficult People training.

MJR:JER:jer

DISPOSITION WORKSHEET

Re: IAB IV 2320539
Subject: **Beas, Victor #[redacted]**
Investigator: ____________
Advocate: Ara Hatamian, Advocate

SUMMARY:
(Insert here)

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

Potential Charge(s):

1 That in violation of the **Department's Manual of Policy and Procedures, Section** 3-01/030.10, **(Obedience to Laws, Regulations and Orders),** specifically pertaining to 5-05/090.05, **(Handling, Insubordinate, Recalcitrant, Hostile or Aggressive Inmates)** on or about September 16, 2011, you failed to properly perform your duties and/or failed to perform your duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department and/or failed to conform to work standards established for your position, as evidenced by but not limited to:

a) Failing to appropriately coordinate with supervisor when engaging a recalcitrant inmate.

Evidence Reference:

____

Defenses/Conflicting Evidence:

____

Disposition:

__X__ **Charge founded as delineated**
_____ **Charge founded as modified**
_____ **Charge unresolved**
_____ **Charge unfounded**

<u>Discipline Assessment</u>

<u>Review of Applicable Guidelines for discipline Section:</u>

The Department's Guidelines for Discipline (Revised December 14, 2009) lists the following Analogous misconduct with associated disciplinary penalties:

Conduct	**Standard Discipline**
Obedience to Laws, Regulations and Orders	W/R to Discharge

<u>Determination of Discipline:</u>

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

_____ **Discharge**
_____ **Reduction in Rank**
__x__ **Suspension with loss of pay and benefits for __3__ days**
_____ **Written Reprimand**
_____ **No discipline**

<u>Assessment of Mitigating and Aggravating Factors:</u>

The following describe the mitigating and aggravating factors in the determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility
Disciplinary History	Other Factors

Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.